

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
September 17, 2013

Members Present: Mark Sullivan, Chairman
Lorraine Brue, Vice Chairman
John Gray, Clerk
Ginny Coppola
James DeVellis

Others Present: Acting Town Manager Bob Cutler
Police Chief Ed O'Leary
Human Resource Manager Cindy DePina
Larry Thomas of the Advisory Board
Finance Director Randy Scollins
Bill Yukna of the Permanent Building Committee
Mike Davison, Stephanie Crimmons and Janet Kennedy of the Racino
Committee
Town Planner Sharon Wason

The meeting was brought to order at 7:00 p.m. by Mark Sullivan, Chairman. Chairman Sullivan reviewed the agenda.

Citizen's Input

Police Chief Ed O'Leary would like to acknowledge four Reserve Officers who are retiring this year, many of them with more than twenty years of service. They are Dave Littlefield who started in 1987, Richard M. Wright who started in 1975, Richard A. Ludwig who started in 1986 and Lewis A. Nelson who started in 2003. They helped out with details, during storms, parades and community celebrations and Chief O'Leary would like to recognize them for their efforts. Mr. Cutler will also be sending them letters on behalf of the town.

The Chief also updated the Board on the recent Countryfest; there were a few emails and calls, one from Andrew Previtt of Turner Road who had issues with people on his property looking for a restroom. He is located near the intersection of Route 140 and Route 115. There was one noise complaint which was handled by Building Commissioner Bill Casbarra. The Saturday night concert did go past the 11:15 curfew by 10 minutes but there were no complaints about it. Mr. DeVellis thought that the concert went better this year than last year. Chief O'Leary stated that the protective custodies were down significantly due to a variety of factors, the weather was better, not too hot or humid which means less drinking to cool off, the crowd was 8-9% smaller and there was more preparation beforehand. There were no significant injuries to fans or staff and the traffic conditions improved. There were backups on Route 140 in town after 3:00 p.m. but no significant backups anywhere else. It is always a challenge handling back to back shows.

The Board members who did attend felt it was a professionally run operation.

Fire Chief Hatfield also felt that the weather being less humid resulted in less medical problems, they mostly saw people for blisters and aspirin requests, although there were a few alcohol related issues.

Ms. Brue thanked George Bell for escorting the Board members around the site. It was educational to see what Public Safety has to deal with.

Mr. DeVellis inquired if there was cooperation with Walpole safety officials. Chief O'Leary stated that they met with the Walpole Police Chief and there were no grave concerns. He received no calls directly; any calls that dealt with the stadium were forwarded there directly.

Ms. Coppola asked if the signs for No Standing were made for North Street. The Chief stated that signs were placed between McDonald's and Papa Gino's and the patrols were monitoring the area near the terminals but there weren't as many problems with taxis or parent pickups as there were at the football home opener or the Taylor Swift Concert. He is working on a solution.

Ms. Brue stated that there were calls from the private lot owners, some of the lots were allowed to open before others. Chief O'Leary stated that there was a meeting and it was announced that there could be no tailgating until lot opening time.

Mr. Sullivan asked if there are any improvements that could be made in the future. Chief O'Leary stated that he hasn't had a chance to study it yet, but expects future adjustments to be made. He also thanked Mr. Bell and the volunteers.

George Bell thinks that more port-a-potties are needed on Route 140 and Route 115.

The Board discussed the need for rules for going over the allowed time, similar to what was put into the permit for Bon Jovi. Mr. Cutler stated that rules and regulations could be incorporated into next season's licenses. A vote of Town Meeting would be needed.

Action Item

The Board is in receipt of a Disclosure Statement from Police Chief Ed O'Leary about a trip to review operations of a business in Florida that wishes to build in Foxboro at Patriot Place. This trip will be funded by the Kraft's; they will be paying all expenses for the trip. Mr. Cutler tried to call the State Ethics Commission but they would not talk to him. The Chief called and disclosed the results of that conversation and filed this form for submittal to the Board.

Ms. Coppola asked what kind of facility this is. The Chief stated that it is a bowling facility with entertainment function halls and is a very unique operation.

Mr. Gray asked what the value to this visit is. The Chief stated that this facility could have significant impact on police operations and he will bring any findings to the Board.

Ms. Brue asked if they could hear more about the proposal before the trip. Mr. Cutler stated that once the application is received, there is a timeline to make a decision, it would be better to have any information about the facility beforehand.

A motion to approve Police Chief Ed O'Leary's trip to Florida to observe the Splitsville operation on a date to be determined was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

Merit Pay Plan

The Board met with Human Resource Manager Cindy DePina about the Merit Pay Plan going forward.

Mr. Cutler reviewed the background, a new wage plan was adopted about a year ago, shortly thereafter the Department Heads were informed of a form of merit that would be adopted and Mr. Paicos was in the process of rolling that process out when he left for Military Service. Ms. DePina started the process again last week with the Department Heads and is looking for direction from the Board on if they should go forward with the Merit Plan or just keep the Step Plan.

Ms. DePina stated that the Merit Plan could result in less than a step increase for employees on the pay plan. She could change it to a system with a cap to try to make it less confusing.

Mr. DeVellis stated that the plan was intended to be more like ones in the private sector and things like COLA don't exist in private Merit Plans. He feels the whole process needs a fresh review to find the flaws and lessen employee's anxiety about the whole process.

Ms. Coppola stated that she spoke to a member of the Board of Selectmen in Easton who adopted this same system about fifteen years ago; they recently had a Warrant Article to rewrite the whole policy as it was out of control and asked Mr. Cutler and Ms. DePina to contact Easton for more information.

Ms. Brue agrees that the process needs to be reviewed; steps are needed for new hires. She thinks that maybe different procedures are needed for management and non-management.

Mr. DeVellis thinks the merit system should be scrapped and the step system used.

Mr. Gray would like to see a system that rewards good employees and slows down others that are not.

Mr. Sullivan thinks it is a flawed process and would like to see a process that is fair to everyone.

Ms. DePina and Mr. Cutler can work on a plan with the Wage Committee that would include Goals and Objectives and a review process with minimum criteria, something fair and equitable is needed. Ms. DePina agreed that starting over would probably be the wisest thing to do.

A motion that the Board of Selectmen imposes a moratorium on the present Merit System while Human Resources researches and proposes and alternate pay plan by the next Annual Town Meeting in the spring was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Town Manager Search Committee Funding

A Request for Transfer from the Reserve Fund has been prepared in the amount of \$14,000 for funding for the search for a new Town Manager. This would allow the Board to engage the Collin's Institute, any incidental costs could be covered under the existing budget.

The Board discussed if they should use the Collin's Center.

Mr. Gray stated that he spoke to James Bonazoli who is a Selectman in Reading, who felt that the Collin's Center didn't listen to their concerns and they did not end up taking the candidate that was recommended.

Ms. Brue spoke with officials in Burlington and Hanover and received good recommendations from them both. Burlington's process took three months and they had twenty five candidates of which twelve were brought to the Screening Committee with three being brought to Selectmen. They were happy with the outcome and have had this manager for two years. Hanover is also happy with their selection and was pleased with the process.

Mr. Gray wants to be sure there is a diverse pool of applicants, both from public and private sector.

Mr. DeVellis found all positive recommendations, some of the town used Collin's for more than one position to be filled. He thought they made a good presentation and feels that there is no time to put this out to bid to find another firm.

The Board needs to be involved in their process to help manage it.

Larry Thomas of the Advisory Board thinks the town will get a good candidate from them. He also stated that no Advisory Committee member can be involved on the Screening Committee except as a liaison.

A part of the process is to interview many from the town such as Community Leaders; Elected Board Chairmen, attend Advisory Committee meetings, etc. The Board will also be responsible for appointing the Screening Committee and what the ranking process would be.

Mr. Scollins has no concerns with the amount of the transfer and if it not approved the administrative budget could be used.

A motion to approve the agreement with the Collin's Institute in the amount of \$14,000 plus incidental expenses with a caveat that they agree to obtain private sector candidates and subject to funding was made by Ms. Brue and seconded by Mr. DeVellis. The motion carried 5-0-0.

Ms. Brue has compiled a list of potential interviewees for the Collin's Institute and a list of potential Screening Committee members that she would like the other Board members to rank for the next meeting.

Stadium Liquor License Discussion

Dan Murphy of the Kraft Group is not available this evening so this topic will be put on the next agenda.

Ms. Brue would like to discuss hiring Special Town Counsel to deal with the stadium Liquor Licenses; some of the firms that were interviewed during the search for Town Counsel had experience with similar venues.

Mr. Cutler will look into some of the firms. This will be put on the next agenda.

New Town Manager Goals and Objectives

The Board discussed the Town Manager Goals and Objectives, the Board members reviewed and ranked the list of goals from the last Town Manager. There was consistency with the top five objectives among all the members. The total list is twenty goals and objectives. This information will be passed along to the Collin's Institute.

Special Town Meeting Warrant

The Warrant has been sent to Town Counsel, some minor adjustments may be needed. Mr. Cutler will prepare the Signature Page for the next meeting.

In regards to the Town Hall plans, Foxboro Cable would like to conduct interviews that will be broadcast in advance of Town Meeting. They will be interviewing Bill Casbarra and Dick Heydecker. It was asked if the Board members wanted to be interviewed also. They do not, but suggest they talk to Bill Yukna, Randy Scollins, Bob Cutler and members of the Permanent Building Committee.

Ms. Brue asked if the Kaestle Boos presentation could be run on cable to provide further information to the public.

Mr. Scollins wanted to discuss the funding for the Town Hall article. It has been asked why \$550,000 is needed for plans. This is following the same process that was taken for the library and the high school; it is based on a percentage of the cost of the building.

Bill Yukna stated that it is based on 10% of the construction costs and all of it may not be expended. There will be a subcommittee to rank the proposals that come in.

Mr. Scollins stated that the funding will come from the Stabilization Account and will not need to be borrowed. This is the funding for the soft costs, the Town Meeting in May will know what the final bids and the real cost is.

Mr. Sullivan is concerned that people will think that a vote on these costs is a vote on the new town hall.

Mr. Scollins stated that all costs will be known in the spring. He is not anticipating any change to the meals tax or sales of town property to fund the final cost. The budgets will be forecast so townspeople will know how much debt exclusion will be asked for.

Ms. Coppola suggested that townspeople come to see the conditions at Town Hall themselves, perhaps have an open house the night before Town Meeting so they can see the conditions at the current building.

Mr. Cutler noted that Town Hall is open every Tuesday night until 8:00 p.m.

Plainridge Racino

The Board met with Mike Davison, Stephanie Crimmons and Janet Kennedy of the Racino Committee. Since they met with the Board last, the Plainridge Racino project has a new applicant, Penn National came in after the original applicant was found to be unsuitable. There will be meeting with a Penn National representative tomorrow.

Mr. DeVellis stated that he has sent a letter to John Ziemba the Ombudsman for the Gaming Commission about the Plainridge application.

The deadline for the application to the state is October 4th; the timeline to come to an agreement with Plainridge stating that Foxboro is found to be a Surrounding Community then has a deadline.

Mr. Sullivan stated that this has revived the Plainridge project as the Gaming Commission has allowed Penn National to take over the application. He wants to be sure that the new applicants are aware that Foxboro has concerns with the social impacts. This new application may also include some form of entertainment and a hotel. The Board is also concerned with drinks being served 24/7 there.

Ms. Crimmons stated that there are differences in opinion on their Committee on interpreting the information provided by Plainville. They are now dealing with a large company from Pennsylvania instead of a small local company, some on the Committee are afraid that what may start out as a small proposal will grow into something with significant impact to the surrounding area.

The current license available is for 1,250 slot machines with no gaming tables. Any changes would require a change to the state law.

Mr. DeVellis would like to follow the procedures in place, they will be meeting with Penn National and ask to be recognized as a Surrounding Community, they will hear their proposal and he will reserve any comments until after this meeting takes place.

A motion to send a letter to Penn National asking to be recognized as a Surrounding Community was made by Mr. DeVellis and seconded by Mr. Sullivan. The motion carried 5-0-0.

It was noted that the Mass Gaming Commission can make a determination if Foxboro should be considered a Surrounding Community or not.

Mr. Sullivan does not think this is a good proposal for the area as a whole. He does not think the Patriot's Place can be compared to a casino.

Action Items

Town Planner Sharon Wason has submitted a memo in regards to Billboards on Route 1. The Billboard Advisory Committee has met a few times and thinks that the Sign Bylaw needs to be rewritten. Updates are needed for the types of signs that are available today that weren't when the bylaw was last updated in 1995 as well as what the town would like to see.

The Committee would like to hire a consultant to help with the rewriting of the bylaw and would like to use available Economic Development Funds to do so. The rewritten bylaw would be

ready for the May Town Meeting and would cost around \$20,000. There is \$49,566 in the Economic Development Fund.

Mr. Gray feels that signs can add either value or blight to an area; he would like to see the signage on the Common cleaned up, but realized that signage is needed for businesses to promote themselves.

The monies would be used to fund the consultant who would draft a bylaw, meet with the business community and make public presentations. The consultant could also investigate licensing fees.

Ms. Brue would like to thank Ms. Wason for her help in obtaining estimates for a consultant.

A motion to approve the use of no more than \$20,000 from the Economic Development Fund to be used by the Billboard Advisory Committee to update the sign bylaw in time for the May Annual Town Meeting was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The minutes of August 20, 2013 and September 3, 2013 were reviewed.

A motion to approve the minutes of August 20, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to approve the minutes of September 3, 2013 as amended was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received from the CBS Scene to allow alcohol service at 11:00 a.m. during Patriot Home Games for the 2013-2014 season. The Board wants a stipulation that it will be allowed only during games that begin at 1:00 p.m.

A motion to allow CBS Scene to begin serving alcoholic beverages at 11:00 a.m. during 1:00 p.m. Patriot home games was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A new Hackney License for a driver for East Coast Limos has been received from Garrett Edward Reilly. It has been signed off by the Police Department.

A motion to approve the Hackney License for Garrett Edward Reilly for East Coast Limousine Service was made by Mr. Sullivan and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to adjourn the meeting to enter into Executive Session at 9:38 p.m. and to return to regular session solely to adjourn was made by Ms. Brue and seconded by Mr. Sullivan. The motion carried 5-0-0.

The Board returned to regular session at 9:51 p.m. and the meeting was adjourned.

Respectfully Submitted,

Diana Gray

John R. Gray, Clerk